
occurring in the Williamson Act program is presented. This information is defined by land category: urban prime, other prime, and nonprime/open space. In addition, sections have been included which cover recent legislative changes to the Act, highlights of departmental activities in the statewide administration of the program, and a review of innovative local Williamson Act programs. Finally, a section discussing future expansion of the status report is presented.

Improved Data Gathering

The data for this report was compiled from the annual subvention applications submitted by each participating county and city. This year changes were made to the subvention application forms in response to suggestions from planners and assessors who prepare the subvention applications. The new forms contain language that clarifies the code requirements and are accompanied by a revised summary form. These changes have simplified the application process and improved data collection.

Additionally, the Department has been able to more thoroughly follow-up on city and county subvention application forms. This follow-up has resulted in the correction of reporting inaccuracies, and consequently a more accurate status report has been produced. This report contains information collected on expired nonrenewals (contracts which have completed the ten-year nonrenewal process). Also, for the first time, total land enrolled under contract has been compiled. In the past, enrollment figures reported only land receiving subventions, rather than all land under contract. Because lands undergoing

nonrenewal as well as certain lands with high assessed value do not receive subventions, enrollment figures in the past excluded a small, but significant amount of acreage under contract.

The improved data is not only critical to the accurate presentation of the program's current status, but allows the Department to begin conducting meaningful analysis of acreage enrollment and termination trends from year to year. However, a caveat must be expressed. Because new figures now show total acres under contract rather than just those qualifying for subventions, care must be taken in comparing statistics from previous reports with this and future reports.

II. WILLIAMSON ACT PROGRAM ENROLLMENT STATUS

Statewide

In 1990-91, 15.9 million acres statewide were enrolled under the Williamson Act (See Table A-1, Appendix A). This represents more than half of the State's total agricultural land acreage. Contracts covered over 30% of all private lands in California (Figure 1).

Land under contract is classified according to three categories: *Urban Prime* (located within three miles of cities of specified size); *Other Prime*; and, *Nonprime/Open Space of Statewide Significance* (primarily grazing lands). Statewide amounts and percentages for these categories in 1990-91 are in Table 1.

The Nonprime/Open Space category includes some parcels which are not used in agricultural production, but which have open space value as wetlands, wildlife areas, scenic highway corridors, watershed lands, and for other undeveloped uses.

Over one-third of the total land under contract is prime agricultural land according to the Act's definition of prime (Table 2). This is close to the proportion of the total agricultural land in the State which is irrigated. Using irrigated farmland as a rough estimate of prime agricultural land, the State currently has about 10 million acres of prime farmland and 20 million in nonprime lands. Thus, the Act has been successful in protecting close to half, each, of the State's total prime and nonprime agricultural lands.

Williamson Act Acreage As A Proportion of Major Uses of California Land, 1991

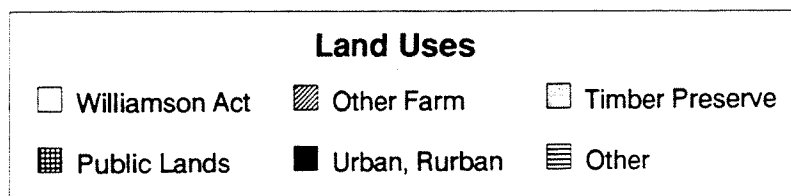
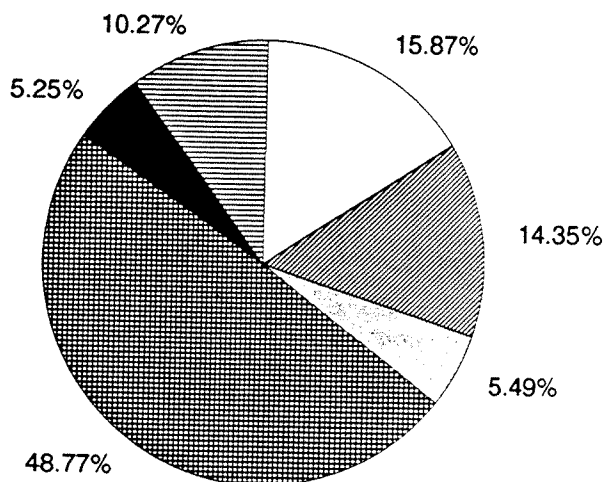


Figure 1. Area of California = 100 million acres
Source: Department of Conservation

County and Regional

As of 1990-91, 48 of California's 58 counties and 19 of the more than 400 cities participated in the Williamson Act program (Figures 2A and 2B). However, because virtually all land under contract is administered by counties (99.9%), further analysis will be derived from county statistics.

Figure 2A shows a few counties dominating the total acres under contract; top 20% of the counties account for nearly 60% of the total enrolled acreage. Three

Table 2

Definition of Prime Land in the Williamson Act

Defined by the Williamson Act*, "prime agricultural land" means any of the following

Land qualifying as class I or II in the Soil Conservation Service (U.S. Department of Agriculture) land use capability classifications.

Land qualifying for rating 80 through 100 in the Storie Index Rating.

Land used for livestock with an annual carrying capacity of at least one animal unit per acre.

Land used for trees and vines which earns income during the commercial bearing period of at least \$200 per acre.

Land used for unprocessed agricultural products which earns at least \$200 per acre for three of the previous five years.

Source: Government Code Section 51201

Table 3

Williamson Act

**Prime Contracted Acreage - Top Eight Counties
Percent of Total Prime (5,700,116 acres)**

County	Prime Acres	% of Total Prime
Fresno	1,106,503	19.4%
Kern	950,741	16.7%
Tulare	607,461	10.7%
Kings	558,805	9.8%
San Joaquin	391,226	6.9%
Stanislaus	303,408	5.3%
Yolo	295,098	5.2%
Madera	249,388	4.4%

Source: Department of Conservation

Williamson Act Enrolled Acreage (FY 1990-91, Counties)

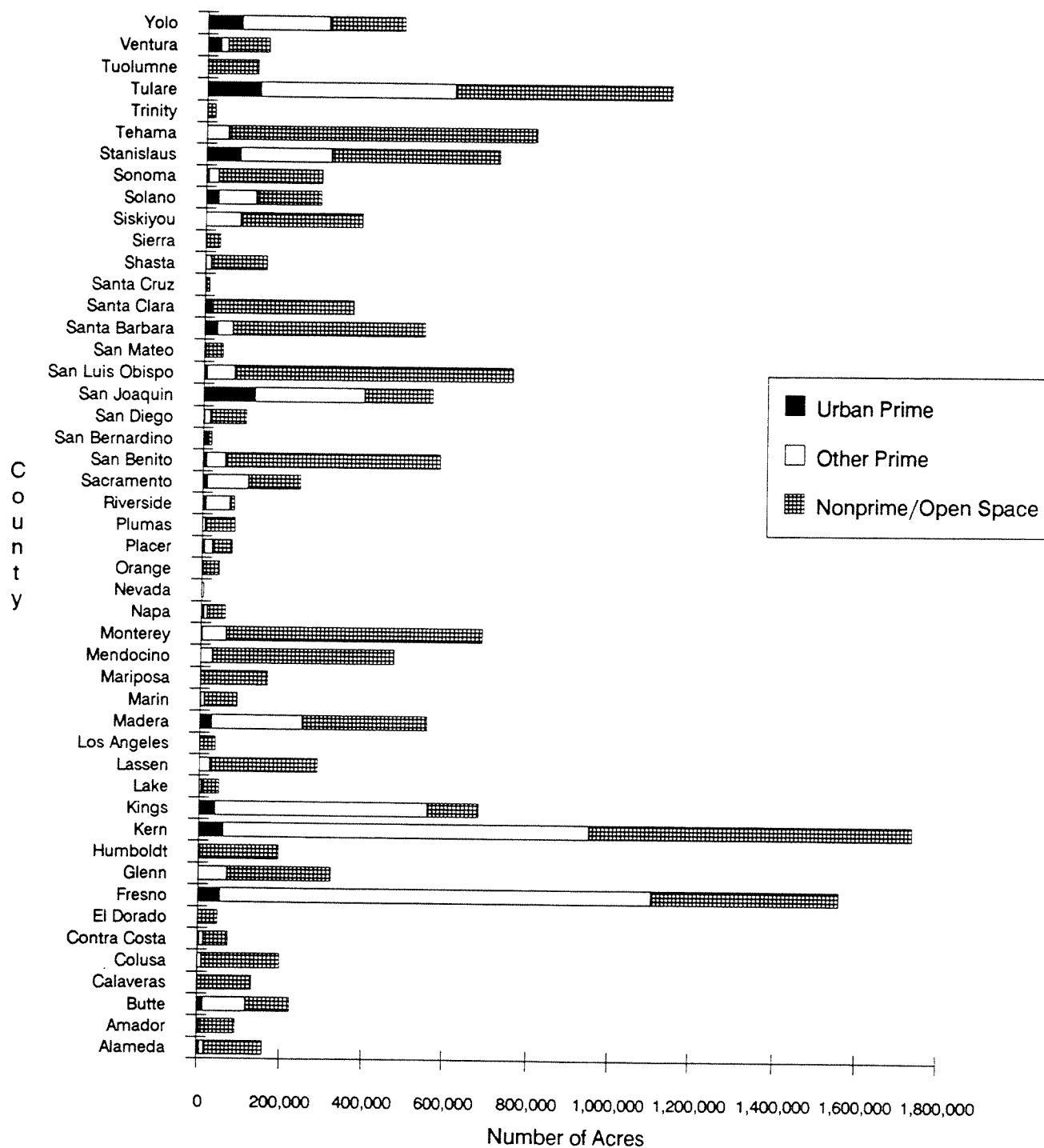


Figure 2A.

Source: Department of Conservation

Williamson Act Enrolled Acreage (FY 1990-91, Cities)

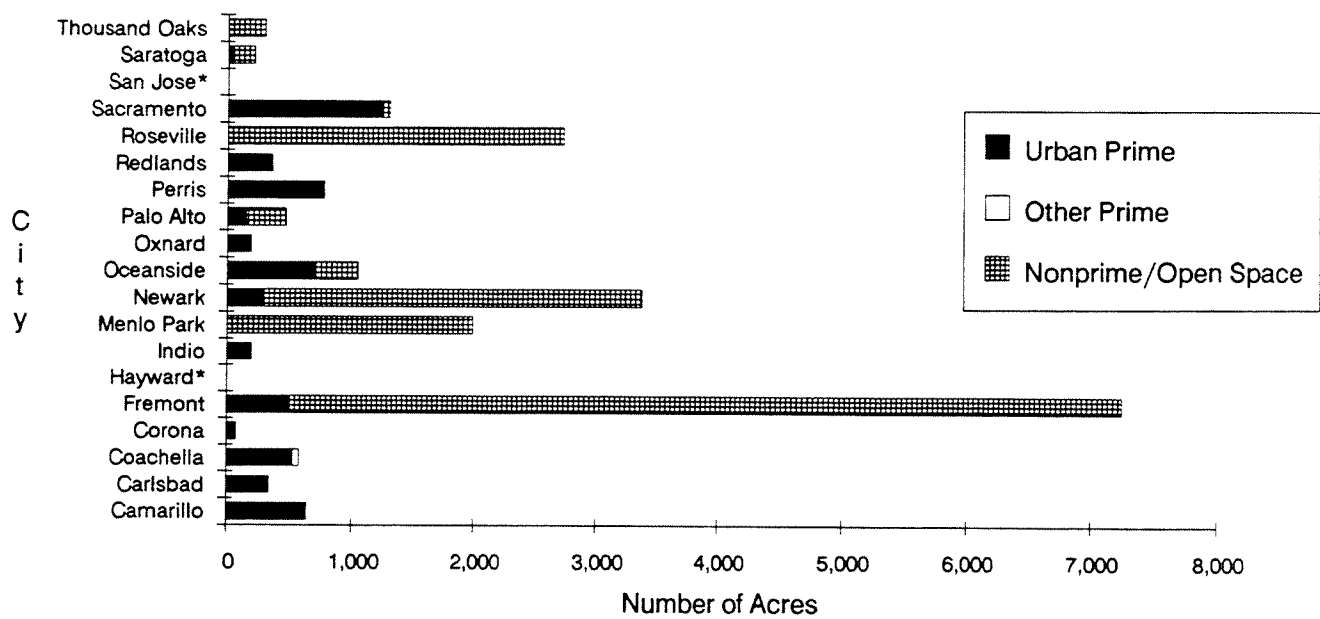


Figure 2B.

Source: Department of Conservation

III. CHANGES

Total land enrolled statewide in 1990-91 decreased by about 23,500 acres from the previous year (Table A-1, Appendix A). This represents a net decline of less than one percent. This net change represents the difference between acres removed and acres added during the year.

A total of 99,602 acres were added to the program in 1990-91 representing an increase in new sign-ups of about 25%, or 19,000 acres, over last year. However, 123,062 acres were removed either through contract cancellation, expiration of contracts completing the nonrenewal process, annexation (via the former special city protest provision of the Act), or eminent domain. Table 4 shows contracts completing the nonrenewal process accounting for nearly three-quarters of all terminations, with eminent domain accounting for the remainder. Only about 2% of the acres leaving the program were by contract cancellation.

This year the Department was able to work closely with each participating county to: compile previously unavailable data (such as number of acres leaving the program by expiration of nonrenewal); rectify reporting inaccuracies; compile totals for all land under contract, not just land qualifying for subventions; and, compile numbers for cumulative nonrenewal. This coming year, the Department will work towards segregating additions and terminations by land type (e.g., prime, nonprime, etc.).

It is thus, difficult to analyze acreage changes in terms of the categories of prime and nonprime. However, in comparing only lands qualifying for

subventions last year with the same numbers for this year (Table A-3), it is evident that most of the net losses occurred in the nonprime category. While prime land appeared to remain stable overall, Yolo and Stanislaus Counties showed the most marked declines in their inventory. Again, because of the increased accuracy of this year's numbers over those of last year, such comparisons should be made with caution until 1991-92 and subsequent years.

During the year 27 counties had net losses in acres under contract, 17 counties had net gains, and 4 counties remained virtually unchanged. Only 18 counties had changes greater than one percent. Table 5 shows the 10 counties with the largest net increases, as well as the 10 with the largest net decreases.

San Benito and Trinity counties had the largest percentage net increases in contracted acreage. The largest absolute net increases occurred in the non-metropolitan counties of San Benito, San Luis Obispo, Lassen and Tulare, accounting for about 85% of all net gains. These same counties accounted for two-thirds of all new acres signed in 1990-91.

Counties with the highest net percentage losses included Riverside, Orange, Contra Costa, Ventura, San Bernardino and Nevada. Except for Nevada, these counties are urban or urbanizing counties located primarily in the southern metropolitan area of the State. The county with the largest absolute gross and net acreage reduction was Kern County, with a gross loss of 44,000 acres. This loss was primarily through expired

nonrenewals for a net loss of 38,000 acres. Ventura and Contra Costa counties experienced much smaller yet significant amounts of land removed from contract, also mostly by nonrenewal.

Nonrenewal Initiated in 1990-91

The filing of a nonrenewal application by a landowner (and sometimes by a local government) ends the automatic annual extension of the Williamson Act contract and starts a nine-year phaseout of the contract. During the phaseout period the land remains restricted to agricultural and open space uses, but property taxes gradually return to those assessed under Proposition 13. At the end of the nine-year nonrenewal process, the contract expires and the owner's uses of the land are restricted only by applicable local zoning.

In 1990-91, nearly 75% of all land removed from contract was by contract expiration through the nonrenewal process; in 1989-90, this figure was estimated (expirations were not tallied last year) to have been closer to 90%.

Table 4
Williamson Act

Terminations and % of Total, 1990-91

Termination Type	Acres	Percent
Cancellation	2,271	1.8%
Eminent Domain	27,138	22.0%
Annexation	2,682	21.0%
Expired Nonrenewal	90,971	73.9%
Total	123,062	99.8%

Source: Department of Conservation

Though still under active contract, 145,755 acres began the nine-year nonrenewal process of contract termination (Table A-2, Appendix A). This represents one percent of the total acres under contract, and a 17% increase in nonrenewals initiated over last year, roughly 20,000 acres.

As noted on Nonrenewal Acres by Region (Table 6 and Figure 3), the San Joaquin Valley Region reported the largest number of nonrenewals, accounting for 41% (59,540 acres) of the total 145,755

Table 5

Net Losses and Gains of Williamson Act Acreage, 1990-91 (top ten counties)

Losses	Acres	% of Total		Gains	Acres	% of Total
Kern	38,351	31.16%		San Benito	23,775	23.87%
Ventura	5,824	4.73%		San Luis Obispo	13,810	13.87%
Fresno	4,593	3.73%		Lassen	10,304	10.35%
Contra Costa	4,014	3.26%		Tulare	7,042	7.07%
Orange	3,418	2.78%		Tehama	1,597	1.60%
Riverside	3,352	2.72%		Madera	1,531	1.54%
Santa Clara	3,299	2.68%		Trinity	980	0.98%
Alameda	3,197	2.60%		Monterey	864	0.87%
Placer	2,669	2.17%		Napa	774	0.78%
San Diego	2,639	2.14%		Mendocino	756	0.76%

Source: Department of Conservation

Table 6

Williamson Act Nonrenewal Acres By Region
Counties only - Cumulative and Current

<u>Region</u>	<u>Cumulative Nonrenewals</u>	<u>% of total land under contract*</u>	<u>Nonrenewals FY 90-91</u>	<u>Total land under contract</u>
San Joaquin Valley Region:				
Fresno	6,945	0.45%	1,389	1,559,407
Kern	94,938	5.46%	1,239	1,737,823
Kings	558	0.08%	80	683,254
Madera	14,377	2.59%	10,272	554,536
San Joaquin	23,135	4.13%	5,380	559,787
Stanislaus	49,486	6.92%	34,702	714,728
<u>Tulare</u>	<u>11,029</u>	<u>0.97%</u>	<u>6,478</u>	<u>1,134,095</u>
Total:	200,468	2.89%	59,540	6,943,630
South Coast/Desert Region:				
Los Angeles	0	0	0	40,052
Orange	31,871	70.96%	0	44,912
Riverside	26,612	33.65%	5,820	79,081
Santa Barbara	7,049	1.31%	1,442	538,178
San Bernardino	6,108	27.91%	2,575	21,885
San Diego	9,816	9.13%	903	107,511
<u>Ventura</u>	<u>33,543</u>	<u>22.02%</u>	<u>1,831</u>	<u>152,347</u>
Total:	114,999	11.69%	12,571	983,966
Foothill/Central Sierra Region:				
Amador	4,346	4.55%	2,534	95,456
Calaveras	6,006	4.48%	3,654	134,174
El Dorado	9,840	19.77%	2,466	49,761
Mariposa	329	0.20%	0	165,751
Nevada	1,062	18.08%	557	5,875
Placer	30,870	40.86%	7,295	75,543
Plumas	5,764	7.01%	0	82,203
Sierra	2,813	7.60%	0	37,035
<u>Tuolumne</u>	<u>11,328</u>	<u>9.06%</u>	<u>1,226</u>	<u>125,016</u>
Total:	72,358	9.39%	17,732	770,814
Central Coast Region:				
Alameda	20,972	12.97%	2,182	161,657
Contra Costa	20,619	27.23%	1,293	75,725
Marin	1,074	1.15%	0	93,495
Monterey	10,079	1.47%	111	686,466
Napa	601	0.98%	55	61,133
San Benito	16,659	2.87%	1,285	580,465
Santa Clara	25,646	7.07%	11,049	362,888
Santa Cruz	297	2.39%	0	12,412
San Luis Obispo	22,614	3.01%	126	752,355
San Mateo	181	0.39%	0	46,667
<u>Sonoma</u>	<u>13,426</u>	<u>4.74%</u>	<u>653</u>	<u>283,493</u>
Total:	132,168	4.24%	16,754	3,116,756

Table 6 (continued)

Williamson Act Nonrenewal Acres By Region
Cumulative and Current - continued

<u>Region</u>	<u>Cumulative Nonrenewals</u>	<u>% of total land under contract*</u>	<u>Nonrenewals FY 90-91</u>	<u>Total land under contract</u>
Sacramento Valley Region:				
Butte	3,601	1.59%	1,101	226,065
Colusa	0	0.00%	0	200,800
Glenn	703	0.22%	38	322,037
Sacramento	39,844	16.77%	14,034	237,542
Solano	21,964	7.82%	4,796	280,698
Tehama	4,154	0.52%	436	802,886
Yolo	<u>31,027</u>	<u>6.47%</u>	<u>16,920</u>	<u>479,243</u>
Total:	101,293	3.97%	37,325	2,549,271
Mountain/North Coast Region:				
Humboldt	419	0.21%	0	196,133
Lake	441	0.89%	0	49,589
Lassen	0	0.00%	0	287,225
Mendocino	12,536	2.65%	1,073	472,933
Shasta	3,862	2.55%	0	151,497
Siskiyou	1,391	0.37%	0	380,827
Trinity	<u>0</u>	<u>0.00%</u>	<u>0</u>	<u>22,268</u>
Total:	18,649	1.20%	1,073	1,560,472

*Percentage represents cumulative nonrenewals as a portion of total land under contract.

Source: Department of Conservation

acres nonrenewed. The Sacramento Valley Region also showed significant activity with 37,325 acres entering nonrenewal in 1990-91. These two regions reported two-thirds of all land entering nonrenewal in the year.

Although other regions showed fewer acres entering nonrenewal, their levels of nonrenewal represent higher percentages of their total land under contract. The Foothill/Central Sierra region had the highest percent of its total acreage undergo nonrenewal in 1990-91 (2.3%), followed by the South Coast/Desert and

Sacramento Valley regions (1.4%, each).

The Mountain/North Coast Region experienced the lowest levels of nonrenewal — only Mendocino reported nonrenewals — reflecting the low level of land use change in these counties.

Stanislaus had the greatest number of acres undergoing nonrenewal in 1990-91, twice the level of the next highest county. The five counties nonrenewing the most acres last year were:

Stanislaus	34,702
Sacramento	14,034
Santa Clara	11,049
Madera	10,272
Yolo	6,920

The counties showing the largest current year level of nonrenewals initiated, as a percentage of total land under contract, were:

San Bernardino	12%
Placer	10%
Riverside	7%
Sacramento	6%
El Dorado	5%

**Williamson Act
Nonrenewal Acres by Region,
1990-91**

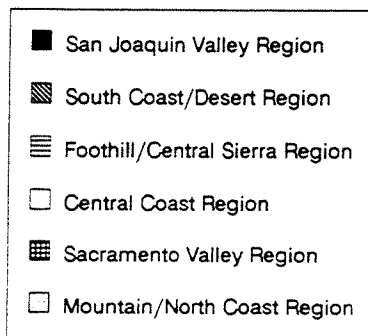
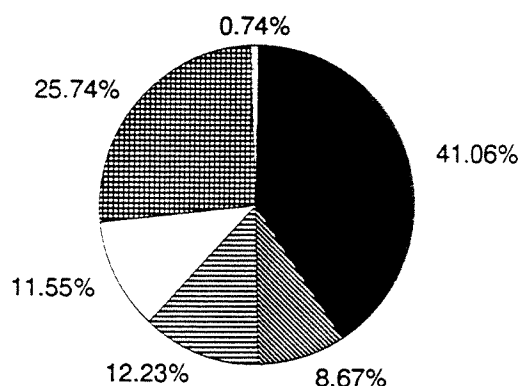


Figure 3

Source: Department of Conservation

Table 7 contrasts nonrenewal activity in rural versus urban counties. As would be expected, if it is assumed that nonrenewal is a precursor to eventual land development, nonrenewal in urban counties is twice that in rural counties.

Cancellations

There were 25 cancellations in 1990-91 affecting 2,271 acres, about the same number of acres as were canceled last year. This is an insignificant level of

Table 7

**Total Williamson Act Acreage and Current Nonrenewal Data
For Rural and Urban Counties**

Rural Counties	Enrolled Acreage	Acreage in Nonrenewal %**	Urban Counties	Enrolled Acreage	Acreage in Nonrenewal %**
Amador	95,456	2,534 (2%)	Alameda	161,657	2,182 (1%)
Calaveras	134,174	3,654 (3%)	Butte	226,065	1,101 (1%)
Colusa	200,800	0 (0%)	Contra Costa	75,725	1,293 (1%)
El Dorado	49,761	2,466 (2%)	Fresno	1,559,407	1,389 (1%)
Glenn	322,037	38 (0%)	Kern	1,737,823	1,239 (1%)
Humboldt	196,133	0 (0%)	Los Angeles	40,052	0 (0%)
Kings	683,254	80 (0%)	Marin	93,495	0 (0%)
Lake	49,589	471 (0%)	Monterey	686,466	111 (0%)
Lassen	287,225	0 (0%)	Orange	44,912	0 (0%)
Madera	554,536	10,272 (7%)	Riverside	79,081	5,820 (4%)
Mariposa	165,751	0 (0%)	Sacramento	237,542	14,034 (10%)
Mendocino	472,933	1,073 (1%)	San Bernardino	21,885	2,575 (2%)
Napa	61,133	55 (0%)	San Diego	107,511	903 (1%)
Nevada	5,875	557 (0%)	San Joaquin	559,787	5,380 (4%)
Placer	75,543	7,295 (5%)	San Luis Obispo	752,355	126 (0%)
Plumas	82,203	0 (0%)	San Mateo	46,667	0 (0%)
San Benito	580,465	1,285 (1%)	Santa Barbara	538,178	1,442 (1%)
Shasta	151,497	0 (0%)	Santa Clara	362,888	11,049 (8%)
Sierra	37,035	0 (0%)	Santa Cruz	12,412	0 (0%)
Siskiyou	380,827	0 (0%)	Solano	280,698	4,796 (3%)
Tehama	802,886	436 (0%)	Sonoma	283,493	653 (0%)
Trinity	22,268	0 (0%)	Stanislaus	714,728	34,702 (24%)
Tuolumne	125,016	1,226 (1%)	Tulare	1,134,095	6,478 (4%)
Yolo	479,243	16,920 (12%)	Ventura	152,347	1,831 (1%)
Totals	6,015,640	48,362 (33%)	Totals	9,909,269	97,104 (67%)

*Determination of rural and urban was made using criteria suggested by the Rural Counties Association of California (200,000 population or less) to define rural counties. Population statistics were obtained from the Department of Finance, 1990 census data.

**Percent represents the portion of the total land in nonrenewal, statewide, which is 145,755 acres.

Source: Department of Conservation

terminations relative to nonrenewal or total land under contract. The small number of cancellations of Williamson Act contracts during the year reflects the stringent Government Code requirements placed on this method of removing land from the program. Approval of a cancellation results in immediate removal of the property from Williamson Act restrictions compared to the nine-year phaseout of a nonrenewal. To obtain approval, the governing board of the county or city must make substantive findings about the merits of the request for cancellation. California courts have ruled that the cancellation method is to be used to terminate a contract only for "extraordinary" circumstances. A fee is paid to the State for each approved cancellation. (See the description of this requirement in Appendix B.)

The counties of Tuolumne and San Joaquin, and the City of Fremont reported over 80% of all land canceled in 1990-91. A majority of the 25 contracts canceled during the year were small cancellations in Fresno and Kern counties.

On January 1, 1992, new legislation requires that in addition to notices of cancellation approval, the Department also receive notices of decisions with findings and documentation. Prior to the legislation, the Department requested findings for many of the cancellations for which it received notices. Of the findings received and reviewed this year, most justified cancellations for the sake of residential development. In a few cases the Department cautioned counties about the need for findings and documentation consistent with the intent of the law. The Department plans to take a more active role in tracking, reviewing and advising cities and counties on cancellation findings.

Eminent Domain

A major change occurred in the use of eminent domain on contracted land. In 1989-90, there were 164 public agency eminent domain actions, causing the withdrawal of 7,000 acres from the program. While the number of such actions (46) in 1990-91 were a quarter of the previous year's, the number of acres affected nearly quadrupled (27,134). The largest number of eminent domain actions took place in Fresno County. The largest number of acres terminated were in San Luis Obispo, Fresno and Siskiyou counties. Most of the acreage removed by eminent domain was for acquisition for public open space.

Annexation

Prior to last year, a city could protest county Williamson Act contracts signed within a mile of its boundary. If the Local Agency Formation Commission approved the protest, upon annexation, the city could terminate the contract without the landowner paying a termination fee. The intent of the provision was to accommodate local planning needs while still allowing landowners to enter contracts around cities. Terminations by annexation of protested contracts were small in 1990-91. Annexations were responsible for the termination of about 2,700 acres, a slight increase over last year. Most of these occurred in Yolo County.

IV. TRENDS

Program Enrollment

The year following the enactment of the Williamson Act, enrollment in the Program stood at 200,000 acres. There was a steady increase in enrollments through 1970 (Figure 4). In 1971, the Open Space Subvention program was established to reimburse counties and cities for partial property tax revenue losses, removing much of the local resistance to participation in the Act. From 1971 to 1978 program participation increased at a faster pace to 16 million acres. In 1982, one million acres of timber lands were transferred from the Williamson Act to a program administered by the State Department of Forestry, the Timber Production Zone program. From 1982 to 1988, enrollment in the Williamson Act rose back to 15.5 million acres.

Since 1988, acreage under active contract (land qualifying for subvention payments) has gradually dropped to 15.0 million acres. Decreases of 1.5% and 1.4% occurred between FY 1988-89 and FY 1989-90, respectively. A decrease of about 0.3% occurred between FY 1990 to 1991.

In summary, the acreage decline over the past three years contrasts with the prior period, 1980 to 1988, which was one of overall gradual increase. Part of this trend may be attributable to the sharp population growth and corresponding land development that occurred in the same period. Also, while this trend may not be evident yet, a number of counties are beginning to initiate nonrenewal in an effort to "clean-up" their programs — actively removing lands from contract that are not

actually engaged in commercial agriculture, such as small parcels and ranchettes.

These comparisons, however, should be tempered with the knowledge that "land under active contract" (qualifying for subventions) changes from year to year due not only to nonrenewals, but also to changes in land value. Lands assessed a higher value under the Williamson Act than under Proposition 13 for a given year will not qualify for subventions that year. This year, for the first time, the Department has compiled and reported data on these acres (Table A-4, Appendix A). In future years, more telling comparisons of total acreage enrolled in active contracts will be possible.

Additions To the Act

Between FY 1986-87 and FY 1990-91, acreage added to the program has fluctuated from a low of 81,000 acres in FY 1989-90, to a high of 148,000 acres in FY 1988-89 (Table 8 and Figure 5).

Most significant in the analysis of these additions is that in the first three years of this five-year period, they exceeded or approached the number of acres removed from active contract by initiation of nonrenewal or cancellation. However, the most recent two years have yielded significantly greater removals than additions. Whether this is the beginning of a new trend or not is difficult to tell without additional years of data. With next year's data, and compilation of data from historical records, the 1991-92 report may be more conclusive about trends in annual additions to the Act.

Cancellations

Cancellation, though controversial, has been a relatively minor avenue of contract termination. Table 8 and Figure 5 show the level of cancellations of the past five years, including this reporting year. The highest year was 1988-89, the year that Solano County approved a 5,000-acre cancellation. This single cancellation aside, cancellations have accounted for 2,000 to 4,000 acres of removals from the Williamson Act over the past five years.

Large single cancellations can skew the figure for total canceled acreage in a given year. As such, it is difficult to analyze cancellation trends based on five years of data. However, one can hypothesize that the lower cancellation figures for the past two years may be attributed to an increase in cancellation penalties that took place in 1988.

Nonrenewal

As intended by the Legislature in the original Act, nonrenewal has been by far the major form of contract termination. Throughout most of the 1980's, Statewide nonrenewals were filed on an average of 66,000 acres a year. However, nonrenewals have dramatically increased over the past five years, more than doubling since the 1986-87 reporting period (Table 8 and Figure 5). Because of this increase, acres beginning the phaseout process now exceed those beginning new contracts by 46%. This contrasts with 1986-87 when newly contracted acreage exceeded acreage entering nonrenewal by over 100%. Unless additions dramatically increase in the future, net acreage leaving the program will increase as a result of the significant amount of acreage now in nonrenewal.

Williamson Act Acreage Over the Years (millions)

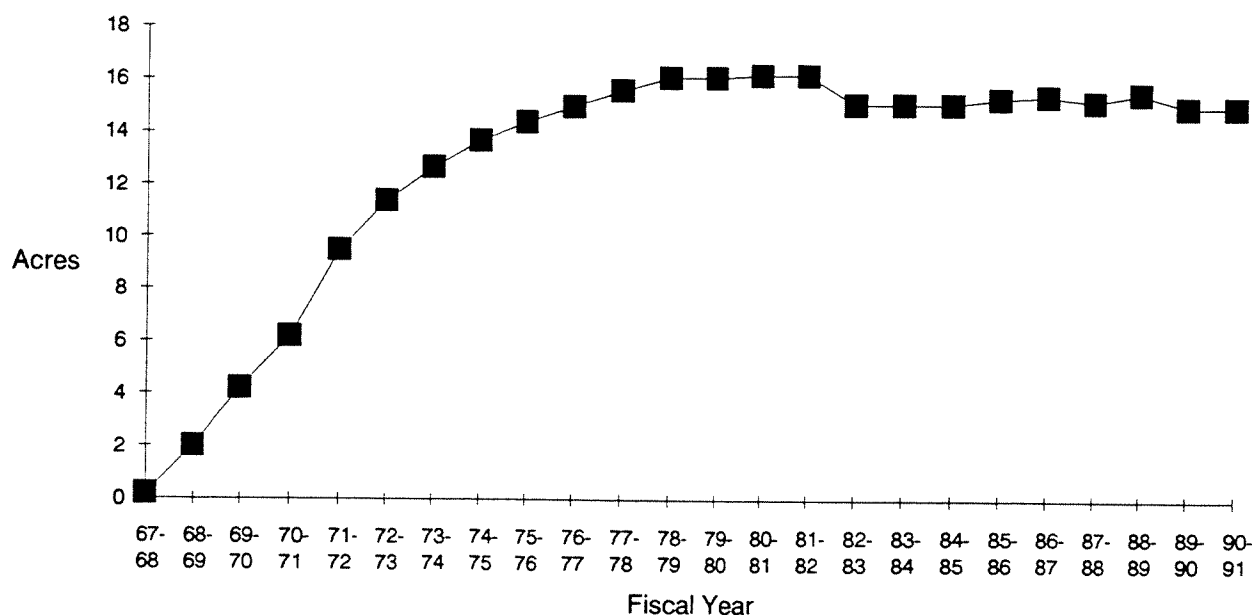


Figure 4

Source: Department of Conservation

Total Williamson Act Nonrenewals, Cancellations, and Additions Five Year Trend

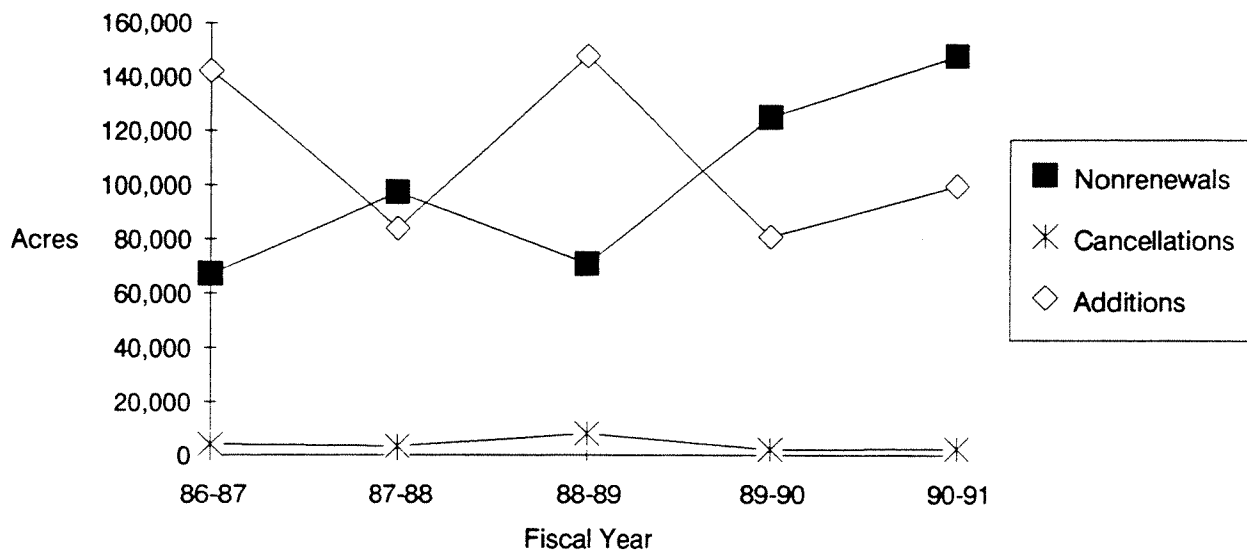


Figure 5.

Source: Department of Conservation

Williamson Act Nonrenewal Activity in Rural and Urban Counties Five Year Trend

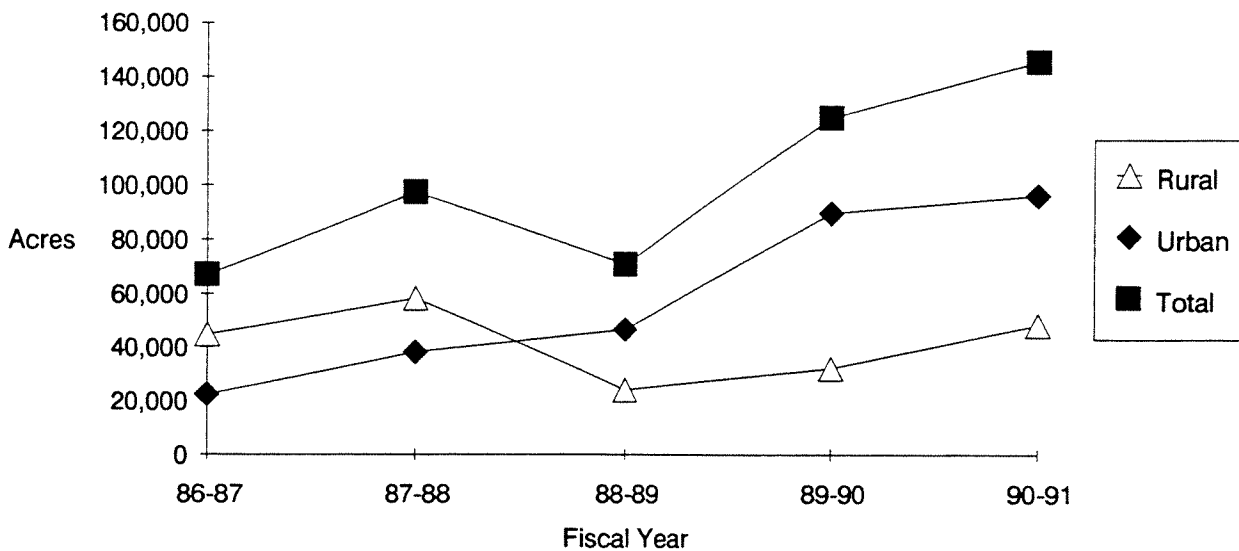


Figure 6.

Source: Department of Conservation

Nonrenewals in rural counties in 1986-87 through 1987-88 were greater than in urban counties. However, since 1988-89 the pattern has reversed and urban nonrenewals now double rural county nonrenewals (Figure 6).

As a direct result of the increase in recent nonrenewals, the cumulative totals of nonrenewed land — the total acreage undergoing the nine-year phaseout of contract status at any one time — has also increased in the past five years; since 1987-88 cumulative nonrenewals have grown from 540,000 acres to nearly 650,000 acres.

It is assumed that many nonrenewals of Williamson Act contracts are filed in anticipation of converting farmland to other uses. Nonrenewal trends thus may be seen as an advance indication of the likely development of farmland in particular locations, as noted earlier.

The 650,000 acres currently phasing out through nonrenewal (more than 4% of all acres enrolled in the program), is a record amount of cumulative nonrenewals for any one time. Table 6 (previous section) shows the acreage of cumulative nonrenewal and percentage of total acreage for each county and region (Also see Figure 7). Table A-4 (Appendix A) also lists cumulative nonrenewals by county and city.

Acreage currently being phased out is more than 10% of the total contracted land in 10 counties (Table 9). Seven of these counties are urban/suburban. The remaining three; Placer, Nevada, and El Dorado are rapidly urbanizing foothill counties. Four of the 10 are urban - southern California counties: Riverside, Orange, San Bernardino, and Ventura. All of these counties are undergoing extensive urban expansion and have relatively small amounts of land remaining under contract. However, several of the counties remain

Table 8

**Nonrenewals, Cancellations, and Additions
Cities and Counties - Five Year Trend**

Fiscal Year	Nonrenewals	Cancellations	Additions
1986-87	67,186	4,060	142,147
1987-88	97,330	3,371	84,114
1988-89	70,794	8,121	147,655
1989-90	124,811	2,073	80,912
1990-91	145,755	2,271	99,602

Source: Department of Conservation

important agricultural counties to the State for the value of the commodities they produce.

Sacramento is the only Central Valley County in this high percentage group. Several other San Joaquin Valley and Sacramento Valley counties also have sizeable amounts of acreage in the nonrenewal phaseout, as indicated in Table 6, but their relatively large amounts of contracted land, overall, put them below the 10% mark. Still, it is worth noting the nonrenewal trends in these counties because of the large acreage involved. With the largest contracted acreage in the State, Kern County also leads all counties in cumulative nonrenewals — 95,000 acres (44,000 were nonrenewed this year). Other counties in the two Valley regions with more than 10,000 acres in nonrenewal phaseout include Solano, San Joaquin, Yolo and Stanislaus.

Another means of identifying nonrenewal trends is to note significant increases in cumulative nonrenewals in recent years. In the three years between 1987-88 and 1990-91, seventeen counties more than doubled the amount of their total acres placed under nonrenewal. Highest among them in terms of acreage increase and percent increase were:

County	Acres
Stanislaus	43,734 (860%)
Sacramento	39,844 (0 in 1987)
Yolo	28,582 (1,269%)
Santa Clara	17,620 (319%)
Alameda	14,710 (335%)

Three other Central Valley counties were also high on this list — Madera, San Joaquin and Tulare. Conversely, counties whose cumulative nonrenewal

totals dropped dramatically in the three-year period, in terms of acreage and percent decrease, were:

County	Acres
Kern	66,364 (41%)
San Diego	22,583 (70%)
Napa	5,445 (90%)
Fresno	4,171 (38%)

Looking at cumulative nonrenewal on a regional basis (Table 6), the highest total acreage undergoing the nine-year process is in the San Joaquin Valley; the lowest total is in the Mountain/North Coast region. As a percentage of the total acreage under contract, the region with the greatest levels of cumulative nonrenewal are the South Coast/Desert region (11.69%) and the Foothill/Central Sierra region (9.39%); the Mountain/North Coast and the San Joaquin Valley regions are the lowest.

Table 9

Cumulative Nonrenewals as a % of Total Contracted Land Top Ten Counties

County	% of Total
Orange	70.96%
Placer	40.86%
Riverside	33.65%
San Bernardino	27.91%
Contra Costa	27.23%
Ventura	26.14%
Nevada	22.41%
El Dorado	19.77%
Sacramento	16.77%
Alameda	12.97%

Source: Department of Conservation

Williamson Act Cumulative Nonrenewal Acreage by Region as a Percentage of Total Nonrenewal Acreage, 1990-91

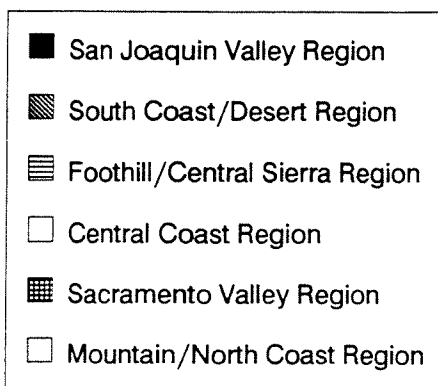
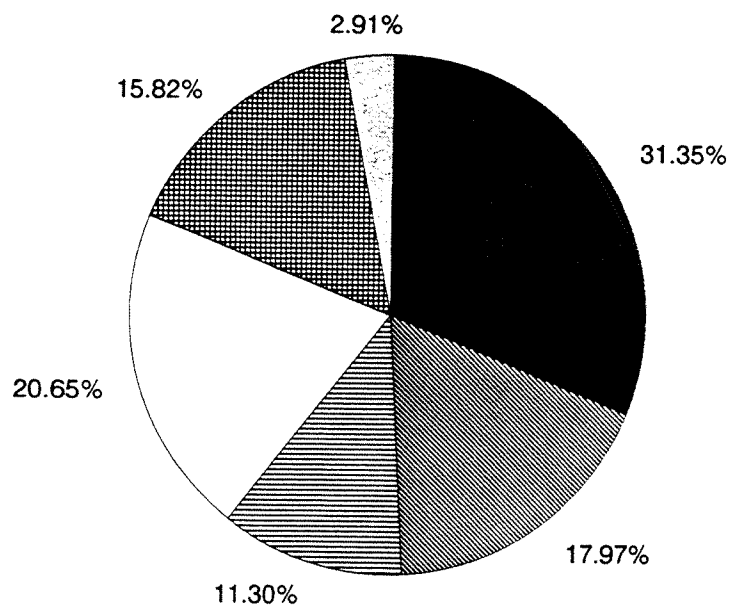


Figure 7.

Source: Department of Conservation

V. STATE SUBVENTIONS

The Open Space Subvention Act was enacted in 1971 to partially replace foregone tax revenue experienced by local governments participating in the Williamson Act program. (See Appendix B for a full description of the Act).

In 1990-91, 15,046,983 acres qualified for State subventions (to be paid in June, 1992), which represents 95% of the total enrolled acres (Table A-3, Appendix A). The remaining 5% under contract was either land disqualified because of nonrenewal, or disqualified because the land was valued less under Proposition 13 than the Williamson Act. The Williamson Act provides for assessing contracted land at the income or updated Proposition 13 value, whichever is lower. (Contracted lands producing high income crops which have not changed ownership in many years, typically are valued at Proposition 13 levels.) Depending on change of ownership and agricultural production, eligibility for subvention on some lands fluctuates from year to year. Land valued less under Proposition 13 accounted for 28% of the total land which did not qualify for subvention entitlement payments this year; cumulative nonrenewals accounted for the balance.

It is estimated that subvention payments will total approximately \$14.1 million for Fiscal Year 1991-92. Of the total allocations, 72% will reimburse counties and cities for the protection of prime agricultural land (urban prime and other prime). Total payments will be approximately \$5.7 million for urban prime, and \$4.4 million for other prime acreage, while \$3.9 will be paid for open space of state-wide significance.

In 1990-91, \$13.5 million was paid in open space subvention entitlements. This amount reflected a 4% reduction due to the general fund deficit. In 1989-90, the State provided \$19.4 million in subventions to eligible county and city governments. (This included almost \$5 million in a one-year budget augmentation in response to counties lobbying for a higher state share of the program's local cost.) It was estimated that in 1988-89, State Open Space Subventions covered, on average, about one third of the total local general fund property tax revenue loss due to the Williamson Act.

Open Space Subvention payments have steadily increased since the Subvention Act's inception in 1971, climbing with the number of acres enrolled. In 1972-73, the State paid \$8.8 million in Open Space subventions, compared to about \$14 million today. Acres under the program receiving subventions in 1972-73 was 11.4 million acres; today it is 15.0 million.

VI. TRACKING THE LOCATION OF CONTRACT TERMINATIONS

An internal needs study was recently conducted for the Department by Dr. Sokolow, Professor of Political Science, University of California at Davis. The study was executed to determine what information or data analyses would be most useful to elaborate upon in the annual Williamson Act status report. Interviews with a number of current and potential users of the status report revealed that the most frequently requested item of information was location of contract terminations. Interviewees felt that contract nonrenewal serves as a rough, but early, indicator of eventual agricultural land conversion, and that knowing the location of nonrenewals will help define future geographic trends in farmland losses.

In response to this expressed need, the Department's Office of Land Conservation staff analyzed several methods for collecting and plotting information on contract nonrenewal at the county level. Ultimately, telephone interviews with county officials, as a follow-up to the Department's receipt of the annual Open Space Subvention applications received from participating local governments was selected as the most promising method to document nonrenewal location. While the sample was too small to be of any use as a basis for valid conclusions about the causes and implications of nonrenewal, a test of the telephone interview method with Ventura County indicated the method's effectiveness in gathering this geographical information. Unfortunately, it is apparent that another valuable aspect of this infor-

mation — reasons for nonrenewal — will be more difficult to obtain. Because this information is not required as part of the nonrenewal application process, as it is with the cancellation process, its availability is highly dependent on the familiarity that local Williamson Act officials have with individual property owner land-use decisions in their counties. California Environmental Quality Act (CEQA) documents, such as environmental impact reports, may offer an alternative source of information on causes of nonrenewals.

In future status reports, the Department will begin reporting on the collection and analysis of data on the location of contract terminations for selected counties. An attempt will also be made to track this information on maps in order to provide the following kinds of assessments: 1) the relationship of terminations to urbanizing areas; 2) the type of land being affected (e.g., prime versus nonprime lands); 3) nonrenewal as an indicator of future farmland conversion; and, 4) the effect that land use planning decisions have on the decisions of landowners to maintain their Williamson Act contracts.

VII. RECENT AMENDMENTS TO THE ACT

Beginning with the 1990-91 reporting period, this Report will include a discussion of recent legislation affecting the Act. The 1989 Department of Conservation report, Land in the Balance, provided a thorough chronology of the major legislative changes in the Act through 1987 (see Appendix C for a full reference for this report). In the past three years, however, there have been three bills signed into law which have resulted in small, but significant, changes in the Act.

Williamson Act Contract Terminations

In the 1989 Legislative Session, Assemblyman David Kelley was successful in the passage of Assembly Bill 1159 (Chapter 943). AB 1159 amended the Act to require that local governments notify the Department of Conservation, and owners of nearby Williamson Act contracted land, of intended contract terminations. The Bill requires notification to the Department of Conservation within 30 days of the filing date of any of the following forms of contract termination: 1) initiations of contract nonrenewal; 2) expirations of contracts by nonrenewal; or 3) tentative contract cancellations. AB 1159 also requires the Department to include information from these notices as part of the annual Williamson Act Status Report. Other sections of this Report now reflect the information on contract terminations required by AB 1159.

Assemblyman Kelley carried the notification process a step further in the

1991 Legislative Session. AB 720 (Chapter 125, Statutes 1991), sponsored by the Department of Conservation, requires that local governments not only notify the Department of tentative contract cancellations, but also submit supporting documentation including required findings. Because the 180-day statute of limitations on contract cancellations runs from the date of the tentative cancellation, the State was often left with little time to address improper cancellations once they were brought to the Department's attention. Notifications that are accompanied by the documentation necessary to judge the adequacy of findings now provide the State the full 180 days to take enforcement action, if necessary.

Additionally, AB 720 requires that the legally mandated findings necessary to justify the local approval of contract cancellations accompany the notification sent to the Department. Timely notification of contract cancellations, accompanied by local supporting documentation, now enables the Department to advise and work with local agencies to help them avoid inappropriate or illegal cancellations.

City Protest of County Williamson Act Contracts

The 1990 Legislative Session also produced a significant change in the Act. Assembly Bill 2764, Kelly, (Chapter 841, Statutes 1990) repealed the city protest provision of the Act. The city protest provision was originally included in the Act to accommodate city general planning.

While counties could sign contracts within one mile of city boundaries, the protest provision enabled cities to selectively protect themselves from being "boxed in" by contracts whose terms might exceed their planning horizon for urban growth.

Under the city protest provision, a county was required to notify a city at the time it signed a Williamson Act contract on land within one mile of the city's boundary. Following notification, the city could lodge a protest with the county Local Agency Formation Commission over the signing of the contract. If approved by the Commission, the protested contract could later be voided by the city upon annexation. Unlike contract cancellation, this termination required no payment of penalties.

In a 1990 recommendation to the Secretary for Resources, the Resource Agency appointed Williamson Act Advisory Committee called for the termination of the protest provision in response to reported abuses. Among other concerns, the Committee was disturbed by the practice of "blanket" protests, whereby cities would automatically protest all county contracts within one mile of their boundaries, regardless of the contract's effect on local general plans. Also, the Committee felt that the provisions were being abused by land speculators who would enter contracts near cities, often knowing that the contract would be protested. In such a scenario the speculator would enjoy tax relief until the land was annexed for urban expansion, at which time the contract could be terminated without penalty, and the land developed usually at substantial profit.

Based on the Committee's recommendation, AB 2764 was introduced. Besides deleting the protest provision, the

bill stipulates that any protest lodged prior to January 1, 1991, is not valid unless the protest identifies the affected contract and subject parcel. This latter clause invalidates past "blanket" protests.

Compatible Use of Williamson Act Lands

During the past several years, the Department has become increasingly involved in local debates over the issue of what comprises a compatible use of Williamson Act contracted lands. The Act gives local government the authority to establish rules to govern the administration of the Act, including rules on compatible use. However, while the Act is clear that compatible uses should not hinder or impair agricultural uses of contracted lands, it is vague on exactly what constitutes a compatible use.

The lack of clear direction in the statute, coupled with the growing "fiscalization" of land use in response to county budget problems, have resulted in increased local pressure to liberalize uses that are deemed appropriate on Williamson Act lands. A few of the questionable uses recently brought to the Department's attention have included industrial warehouses, auto repair shops, recreational/residential developments, private residential sewage treatment plants, whole-parcel open-pit mining and processing, and non-agricultural trucking operations. Often county planners have come to the Department for assistance in defining appropriate proposed uses on contracted land after finding little direction within the Act itself.

In order to provide a clearer definition of "compatible use", the Department sponsored, and Assemblyman Bill Jones authored, AB 1770 in 1990. This two-year bill, currently residing in the Senate Local Government Committee, would require local governments participating in the Act to adopt compatible use ordinances (currently required, but not explicit). The bill would also require that the ordinances and the specific uses adopted by local governments meet three general principles of compatibility. The proposed principles are based on a distillation of legislative intent expressed in the Act, as well as on pertinent case law and Attorney General opinions. Generally, the principles would require that for a use to be deemed compatible with the Act, it must not degrade agricultural land productivity, interfere with ongoing or future agricultural uses, or stimulate further non-agricultural growth. The bill would allow local governments to condition land uses to meet these principles. Finally, the bill would provide the Department with an opportunity to review and provide non-binding commentary on proposed ordinances.

Future Legislation

In January 1990, Governor Wilson established the interagency Growth Management Task Force. Among the issues that the Task Force was directed to address was agricultural land preservation. Responding to this charge, the Task Force has considered a number of Williamson Act issues. With the release of the Task Force's report, it is anticipated that further potential modifications to the Williamson Act program will be identified.

VIII. ADMINISTERING THE WILLIAMSON ACT: Department of Conservation Activities in 1991

The Williamson Act and companion Open Space Subvention Act, place a number of responsibilities on the Department of Conservation. First and foremost, the Government Code gives the Department the primary responsibility for the statewide administration of the combined program (Government Code Section 51206). The Department is empowered to "research, publish, and disseminate information regarding the policies, purposes, procedures, administration, and implementation" of the Act. The Department is also authorized to "meet with and assist...agencies, organizations, landowners, or any other person or entity in the interpretation" of the Act.

The Department compiles and reports statistics on the status of the Williamson Act, particularly enrollment of new acres and termination of contracts. (This report represents the annual culmination of these activities.) Also, the Department is the state agency responsible for receiving required local notifications of changes in Williamson Act contract status (e.g., contract nonrenewal, cancellation or termination through eminent domain).

Under the Open Space Subvention Act, the Department is given responsibility, via the Secretary for Resources, for administering local subvention application verification and payment authorization.

Working in conjunction with the Resources Agency, the Department may

also raise enforcement issues for the Secretary's resolution or referral to the Attorney General.

Local Assistance

Through its Office of Land Conservation, the Department has responded to hundreds of individual requests for assistance, advice, interpretation or information during the past year. Most frequently, the Office's Williamson Act program staff of two and one half employees receive requests from local government and agricultural landowners. The majority of these requests have been routine matters of interpretation however, in 1991, a number of issues were addressed, either through informal correspondence or legal opinion, that merit specific mention because of their implications for the sustained effectiveness of the Act. The most significant of these issues include:

- **Compatible use** - As described in the previous section on "Recent Amendments to the Act", the lack of guidance on what constitutes a compatible use of Williamson Act lands has lead to complaints over actual and proposed uses that may infringe on the Act's purpose to preserve agricultural land. The Department has sponsored legislation (AB 1770, Jones) to provide clarification on compatibility.

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- **Contract Cancellations** - There have been several requests for Department interpretation of the validity of findings used by local governments in supporting contract cancellations. Department-sponsored legislation passed last year now enables the Department to receive and review contract cancellation findings, and to provide early consultation with local governments in order to avoid inappropriate cancellations.
 - **Minimum Parcel Size** - Legislation added to the Act in 1985 now specifies 10 and 40-acre minimum parcel sizes for prime and nonprime contracts. Subdivision of contracted lands into parcels above the minimum, but nevertheless of insufficient size for commercial agricultural use, has occurred. For example, one proposal called for subdividing prime contract land into 10-acre lots for residential uses.
 - **Consistency With General Plan/Zoning** In one county, a local interest group expressed concerns over the issue of inconsistent zoning of Agricultural Preserve and contracted lands. The county zoning called for 8-acre minimum parcel sizes on Agricultural Preserve lands not under contract, and above minimum sizes for contracted parcels. The local interest group felt that the "underlay" zoning was growth-inducing and contrary to the purpose of the Act. While the Act expresses intent that zoning within the agricultural preserve be consistent with the objective of maintaining land in parcels large enough to sustain open space and agricultural uses, nowhere is this intent explicitly stated as a statutory requirement.
 - **Recreation Definition** - The Williamson Act provides for recreational use of lands under contract. While the definition of recreational use emphasizes non-disruptive uses that could be carried on incidental to the agricultural or open space uses, a number of questions have been raised by local interest groups and landowners about proposals for more intensive commercial recreational uses on contracted land, including golf course developments. Current law is ambiguous on the legality of recreational uses which convert contracted lands. The Department has advised local governments that recreational use which disrupts or competes with agricultural uses, or induce non-agricultural growth, are inconsistent with the Act.
 - **Capitalization Rate** - For years, agricultural groups have called for a revision to the statutory capitalization rate formula used to calculate land value under the Williamson Act. The formula contains factors that are highly volatile from year to year, resulting in fluctuating land values and taxes, and creating economic uncertainty for contract landowners. This year, interest groups have asked the Department to consider the issue. The Department has been consulting with the State Board of Equalization about possible solutions.
 - **Labor and Caretaker Housing** - In one county, the ability to distinguish between agricultural labor or caretaker housing, legitimate uses under the Act, and rental units, has been a keen issue. While the Resources Agency and the Department have sought to discourage placement of rental units on contracted land, local tolerance for this practice varies.

Outreach and Education

The Williamson Act is a complex body of law encompassing elements of land use, contract and tax law, land appraisal and assessment, soil science and agronomy. In assisting landowners and local government agencies to resolve problems with the Williamson Act, or Open Space Subvention Acts, the Office of Land Conservation staff have found that incomplete or inaccurate understanding of the Act by landowners and local administrators is often the main cause.

To improve local administration of the Act, the Department has been active in educational and informational outreach. Besides its many publications (see Appendix C), the Department's Office of Land Conservation has been active in conducting presentations and exhibits about the Act at numerous conferences and meetings, and through University Extension classes. Presentations have included the American Planner's Association, County Supervisor's Association, Resource Conservation Districts, and local business, farm, and conservation organizations.

During the past two years, three special publications were released by the Department. In December 1989, a two-part Department-funded University of California study of the Act was published. This study included documentation of the Act's local costs and benefits; landowner, and local and state leadership assessments on the effectiveness of the Act; and, the presentation and evaluation of various options to the current Open Space Subvention formula. The second part of this study, a historical analysis, provided the basis for a 25th anniversary commemorative document.

In December 1990, a document celebrating the 25th anniversary of the Williamson Act was produced. This publication offers a history of the Act, along with vital statistics and personal perspectives on the Act from participating farmers and ranchers.

Finally, the Department produced a simple brochure on the Williamson and Open Space Subvention Acts as an introductory reference for those seeking to understand the basic elements of this land conservation program.

This year the Office has initiated an ongoing series of regional workshops for local administrators and landowner advisors. The first all day workshop was held in Davis for the ten-county Sacramento region. The purposes of the workshops are to provide basic information on the Act, facilitate inter-county discussion of common problems and innovative solutions related to the Act, to develop personal contacts among state and local administrators, and to answer specific questions.

In terms of local agency staff attendance and participant feedback, the first workshop was a success. The second workshop is scheduled for the Spring of 1992. Subsequent workshops will be conducted quarterly in various regions of the State with the goal of repeating workshops on a four-year rotational basis.

In response to new statutory reporting requirements, the Department has begun overhauling the Open Space Subvention reporting process and record keeping. The improved statistics pre-

sented in this report are the result of this effort. The Department has made it a top priority to initiate personal contact with every local administrator of the Act and to provide assistance in correcting and maintaining local acreage and contract status reporting.

While the work has led to great strides in improving the accuracy and efficiency of the subvention program, it has pointed to the need for a more direct local assistance and auditing effort. In 1986, the Department conducted a test audit of several cities and counties. The audit resulted in the correction of several improper procedures and the recap of 20 times the cost of the audit in the refund of overpaid open space subventions. The detailed analysis of local subvention programs indicates the continuing need for auditing.

Environmental Review

An important activity of the Williamson Act program staff is the review of, and comment on, California Environmental Quality Act documents, primarily environmental impact reports (EIRs). It is through the review of approximately 300 project EIRs each year that the Department is able to identify potential project impacts on, and improper use and terminations of, Williamson Act contracts. This activity has a positive impact on the effective local administration of the Act. Through its comment letters the Department is able to provide early information and advice to local project proponents and administrators about the correct use of Williamson Act contracted lands, avoiding later problems.

Maintenance of Open Space Subventions

The past year has been a difficult one for the State budget. The task of maintaining a balanced budget prompted the Legislature to question the efficacy of every State General Fund program. The financial underpinnings of the Williamson Act, approximately \$14 million in General Funds paid annually by the State in the form of local Open Space Subventions to participating counties and cities, has also been scrutinized. The administration continues to evaluate ways to make the Williamson Act more efficient.

IX. INNOVATIONS IN LOCAL WILLIAMSON ACT ADMINISTRATION: A Case Study

Beginning with this report, a section is included sharing innovative developments in the local administration of the Williamson Act. Most cities and counties have their own unique approach to the Act and often share similar problems and challenges in implementing the program. They also share a history of developing innovative solutions to these problems. This section of the report will serve to communicate those innovations that may have broad applicability to common problems.

The Yolo County Williamson Act "Blue Ribbon" Task Force Report

The Yolo County Williamson Act program will be the subject of this year's report on local innovations. Yolo County has traditionally been among the most ardent promoters of farmland protection, particularly through its use of the Williamson Act. The County currently maintains almost 480,000 acres of its farmland under Williamson Act contract. This represents nearly 90% of the County's total farmland. Not only does Yolo County have one of the highest percentage enrollment figures in the State, but the percent of its contracted land that is "prime" and "urban prime" is also among the top counties in this category. The County is one of the few that, up until recently, has never allowed a contract cancellation (a small cancellation was allowed during the past year for a fruit drying operation

needed by local farmers). However, like other Central Valley counties, Yolo has been under tremendous urbanization pressure in recent years, as indicated by over 31,000 acres that are currently undergoing Williamson Act contract nonrenewal, and the increasing "parcelization" of its agricultural lands.

In 1989, the Yolo County Board of Supervisors appointed a Blue Ribbon Task Force to "discuss and formulate recommendations on questions relating to County administration of the state Land Conservation Act of 1965 (Williamson Act)". While the Task Force addressed a number of issues surrounding the Act, its primary focus was on the problems of 1) the maintenance of parcel sizes suitable for commercial agricultural production, and 2) the prevention of fragmentation of farmland by parcel splits as a precursor to urbanization in agricultural areas.

In 1990, the Task Force issued its report. Following is a synopsis of the report's major recommendations.

Program Entry

Like other counties, when Yolo first entered the Williamson Act program, property tax revenue was not the major issue that it is today. Thus, there was little hesitation in opening the program to all agricultural landowners, with only slight concern paid to whether the land was truly being used for commercial agriculture. The result is that today the County forfeits

badly needed property tax revenues from lands that are, in some cases, nothing more than rural homesites. Conversely, landowners were allowed to contract lands whose highest long term value to the County were for uses other than agriculture.

The Task Force recommended that, henceforth, only lands whose primary use is clearly for commercial agriculture, outdoor recreation, such as hiking or hunting, or of "public value" as open space or wildlife habitat, be allowed under contract.

More specifically, the Task Force called for stringent minimum parcel sizes: 1) 75 acres for cultivated and irrigated lands; 2) 150 acres for cultivated, non-irrigated lands; and, 3) 500 acres for rangeland or non-income producing native land. It further recommended that contiguous, but separate, sub-minimum size parcels, that together meet the minimum size requirements, be legally merged before being allowed to enter a contract. For sub-minimum, non-contiguous parcels to qualify for separate contracts, the Task Force recommended that they be required to meet the minimum size in aggregate, be free of living units, comply with zoning, and be stipulated as a "non buildable parcel" for the life of the contract.

Like other counties, Yolo is experiencing a revival in small scale family farming. For many of these farmers 75 and 150-acre farms are too large to afford or maintain. To accommodate these farmers, as well as certain other legitimate farming operations, the Task Force recommended an exception to the minimum parcel size. In order to qualify for the exception, farmers must submit an annual declaration

to the assessor that demonstrates that the land is used for commercial agricultural production. In no case can these parcels fall below 20 or 40 acres for irrigated or non-irrigated cropland, respectively. In the first year, failure to submit the annual declaration or meet the exception criteria will trigger assessment of the parcel at its factored base year value (this recommendation may not be legal, and is currently under review by the County), and, in the second year of non-compliance, contract nonrenewal.

Finally, subsequent sale of legal size parcels within a single contract occasionally occurs. The Task Force proposed that the single residential unit per contract limitation continue to apply to the entire contract, regardless of the number of separate ownerships.

Conditional Uses in Agricultural Preserve Zones

Large scale enrollment of its rural lands early on has now presented the County with little flexibility to site certain commercial and industrial uses that would enhance the competitiveness of Yolo County agriculture, as well as its overall economy. Examples of such uses include processing plants, wholesale nurseries, and research greenhouses. To address this situation without undermining the purposes of the Williamson Act, the Task Force proposed liberalization of uses permitted in Agricultural Preserve (AP) zones. The Task Force recommended allowing ag-related commercial or industrial facilities in AP zones (subject to public hearings and conditional use permits). To qualify, the proponent would have to demonstrate that the use will support

production agriculture in Yolo County, the use is not appropriate in a developed area, and there are no suitable alternative sites outside the Agricultural Preserve zone.

Minimum conditions for agricultural related commercial uses in AP zones, according to the Task Force, would include taxation of the affected land at its factored base year (non-agricultural) value, and the imposition of measures to mitigate aspects of the use that would hinder or impair neighboring agricultural or open space uses. All other restrictions of the AP zone would continue to apply.

While the Task Force did not make specific recommendations regarding open space and recreational uses, it did recommend that commercial recreational uses not benefit from the Williamson Act.

Splits of Williamson Act Contracts

The Task Force took a strong stand on the issue of parcel splits of contracted lands. It concluded that "... orderly transitions toward increasing parcelization are best accomplished through nonrenewal of contracts...". The Task Force reaffirmed the intent of the Act to maintain parcels in relatively large sizes conducive for commercial agriculture.

Towards this objective, the Task Force recommended without exception that all splits of existing contracted parcels meet the recommended standard for new contracts (i.e., 75, 150 and 500 acres). Williamson Act parcel splits would be subject to the findings that the new parcels will: 1) not encourage the encroachment of non-agricultural uses; 2) serve to maintain the agricultural

economy; 3) support the preservation of prime lands; and/or 4) act to preserve lands with public open space value.

Cancellation of Contracts

In the 1981 *Sierra v. Hayward* California Supreme Court decision, Williamson Act contract cancellation was unequivocally identified as a method for contract termination to be used in extraordinary circumstances only. The Task Force not only reaffirmed the Court's view, but took it one step further by recommending that the County continue its opposition to cancellations. However, while emphasizing that nonrenewal is the acceptable termination procedure, the Task Force conceded that unforeseen emergency situations might merit cancellation as a remedy. The Task Force stressed that cancellations should only be allowed when the stringently interpreted findings required by state law can be made, and only following at least two public hearings each before the planning commission and the board of supervisors.

The Task Force also recommended that approval of either contract nonrenewal or cancellation be dependent on the prior approval by the county of the proposed zoning to take effect subsequent to contract termination.

Related Policy Recommendations

The Task Force recognized that while the Williamson Act is an important farmland protection planning tool, it is not enough for the adequate conservation of agricultural land and open space in the face of today's tremendous development

pressures. The Task Force recommended that the County adopt a combination of policies and mechanisms to accomplish its land conservation goals. Among the additional measures recommended by the Task Force were the following.

- *A Right to Farm Ordinance* to protect the rights of farmers on the urban fringe
- *A Direct Marketing Ordinance* to allow and regulate farmer-to-consumer sales
- *Agricultural Enterprise Zoning* to attract supporting ag-related industry
- *Improved Mitigation of Farmland Depletion* as part of the CEQA process (e.g., impact fees, conservation easements, etc.)
- *A General Plan Agricultural Element* to unify policies that protect and promote agricultural land use, including policies that strategically target minimum parcel-size zoning, and that direct development away from prime soils
- *Improved Regional Planning* through better coordination with other local governments
- *Public/Private Funding* for land conservation

use needs of the 1990's. While contract entrance, maintenance, and exit conditions are considerably tightened, flexibility is added to allow for new trends in family farming and sustainable agriculture, and to accommodate non-agricultural uses that actually enhance agricultural viability.

In September 1991, the Yolo County Board of Supervisors reviewed and, adopted most of the Task Force's recommendations.

Conclusion

The Task Force's recommendations point to a continuation of the strong farmland and open space protection policies for which Yolo County is well known. Altogether the recommendations alternately tighten the existing County program and add flexibility to address land